

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 Mike Smith
 Mike Saglibene
 Attorney Fredrick Ahrens
 Town Clerk Linda Cross

ABSENT: Council Andy Gillette

Supervisor Dean called the Water Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO. 189-12
PUBLIC HEARING WATER DISTRICT #3
2013 SPECIAL ASSESSMENT APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS Water District #3 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District No. 3 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2013 Special Assessment roll for Water District #3 has been completed and filed with the Town Clerk on September 19, 2012, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2013 Special Assessment Roll for Water District #3 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 10, 2012, at 4:30 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
 NAYS: None ABSENT: Gillette

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

RESOLUTION NO. 190-12
PUBLIC HEARING WATER DISTRICT #4
2013 SPECIAL ASSESSMENT APPROVED

Resolution by: Smith
Seconded by Saglibene

WHEREAS Water District #4 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Water District No. 4 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2013 Special Assessment roll for Water District #4 has been completed and filed with the Town Clerk on September 19, 2012, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll,

NOW THEREFORE BE IT RESOLVED that the Town Board hereby calls for the holding of public hearing in the matter of the 2013 Special Assessment Roll for Water District #4 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 10, 2012, at 4:30 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

Supervisor Dean closed the Water Board meeting at 7:02 p.m.

SEWER BOARD

Supervisor Dean called the Sewer Board meeting to order at 7:03 p.m.

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

NEW BUSINESS

RESOLUTION NO. 191-12
PUBLIC HEARING SEWER DISTRICT NO. 1
2013 SPECIAL ASSESSMENT APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS Sewer District No. 1 has incurred capital expenses for various capital improvements for the district in the past, and

WHEREAS Sewer District No. 1 issued certain obligations to finance said capital costs pursuant to the New York State Local Finance Law, the payment of which is to be paid by way of a special assessment on the properties deemed benefited by such capital improvements, and

WHEREAS the 2013 Special Assessment roll for Sewer District No. 1 has been completed and filed with the Town Clerk on September 14, 2012, and

WHEREAS this action is hereby declared to be a Type II action for the purposes of SEQRA and as such no further environmental review is necessary at this time, and

WHEREAS pursuant to Town Law Section 239 it is necessary to duly publish and conduct a public hearing for the purposes of hearing all parties interested in said special assessment roll, now

BE IT THEREFORE RESOLVED that the Town Board hereby calls for the holding of a public hearing in the matter of the 2013 Special Assessment Roll for Sewer District No. 1 of the Town of Big Flats, to be held at the Town Hall, 476 Maple Street, in the Town of Big Flats on October 10, 2012 at 4:30 p.m. local time, and

FURTHER RESOLVED that the Town Clerk publish the required notice of such public hearing in the official newspaper of the Town, specifying the time when and the location where such public hearing will then be held, and in general describing the proposed action to be undertaken.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION NO. 192-12
PUBLIC HEARING SEWER DISTRICT NO. 1
PROPOSED SCALE OF CHARGES APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town of Big Flats has established Sewer District No. 1 through Resolution, and

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

RESOLUTION NO. 192-12, PUBLIC HEARING SEWER DISTRICT NO. 1 PROPOSED SCALE OF CHARGES APPROVED continued

WHEREAS a Scale of Charges most recent revision was approved on October 12, 2011 for Sewer District No. 1, and

WHEREAS the Scale of Charges needs to be revised to accommodate changes required for the operation of Sewer District No. 1, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and (27) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a Public Hearing for October 10, 2012 at 4:30 p.m. on the proposed Scale of Charges for Sewer District No. 1.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

Supervisor Dean closed the Sewer Board meeting at 7:04 p.m.

TOWN BOARD

Supervisor Dean called the Town Board meeting to order at 7:04 p.m.

CONCERNS OF THE PEOPLE – Judith Kadlac 26 Landau Drive, asked for a response for the revenue and expenses of the summer concerts, and the status of the movement of one of the departments at the Community Center. She would also like to know the status of the interviews for the Director of the Community Center.

Judy Zimmerman, 29 Churchill Place, spoke of her love of Big Flats, and all the wonderful things she has done here for the Town. Judy handed in her resignation December 27, 2012; she stated she expected it to be on the Town Board Agenda and resignation by the Town Board, to formally close that chapter of her life. Judy states the new Director of the Community Center needs a clear definition of what this position is and she hopes that person who gets the position gets the support of the Town Board. Judy stated she is off of one journey and on to another one.

Edward Ryan, a Big Flats resident, stated his concerns with the railroad overpasses on Olcott, Winters Road, and Canal Street look bad and asked the town if we can speak with someone from the railroad. Supervisor Dean stated we will look into a response on the current condition.

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

MINUTES

Councilperson Smith made a motion, seconded by Councilperson Saglibene to approve the minutes of August 22, 2012 as presented. All in favor, except Councilperson Gillette was absent, motion carried.

Councilperson Saglibene made a motion, seconded by Councilperson Fairbrother to approve the minutes of September 12, 2012 as presented. All in favor, except Councilperson Gillette was absent, motion carried.

Supervisor Dean reported the following:

- Responded to Judith Kadlec that the Town Clerk has her information.
- Justice Court asked the Town Board to add their grant application. Also to consider adding another part time clerk due to the increase of work. Supervisor Dean asked the Town Board if it would be okay to add these two items. Councilperson Fairbrother, Councilperson Smith, and Councilperson Saglibene had no objections.

NEW BUSINESS

RESOLUTION NO. 193-12

PUBLIC HEARING FIRE PROTECTION DISTRICT NO. 1 APPROVED

Resolution by: Fairbrother

Seconded by: Smith

WHEREAS there is a Fire Protection District No. 1 in the Town of Big Flats, and

WHEREAS the Town must enter into an agreement for the purpose of providing fire and emergency response to said District, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing for October 10, 2012 at 4:30 p.m. for the purpose of allowing comments on the proposed Fire Protection District No 1 agreement with Town & Country Fire Department.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean

NAYS: None ABSENT: Gillette

RESOLUTION NO. 194-12

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Smith
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for September 2012, vouchers 4001290 – 4001392 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 86,204.21
HIGHWAY FUND	\$ 144,207.39
SEWER DISTRICT	\$ 13,428.50
WATER DISTRICT #1	\$ 4,298.52
WATER DISTRICT #2	\$ 6,590.61
WATER DISTRICT #3	\$ 1,646.84
WATER DISTRICT #4	\$ 248.30
LIGHTING DISTRICT	\$ 533.34
TRUST & AGENCY	\$ 490.31

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION NO. 195-12
HIGHWAY BUDGET TRANSFER APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a memorandum was received from the Bookkeeper, dated September 19, 2012, requesting authorization to complete budget transfers, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Bookkeeper to fulfill the following budget transfers:

TO:	D5010.0100 Admin	\$900.00	
	D5010.0400 – Contractual	\$350.00	
FROM:	D9040.0800- Workers Comp Inc.		\$1,250.00

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION NO. 196-12

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

HIGHWAY DEPARTMENT STATE BID FOR A 2013 MACK CAB AND CHASSIS
PURCHASE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Commissioner of Public Works in concurrence with the Highway Department Supervisor recognizes the need to purchase a new cab and chassis, and

WHEREAS the purchase of a new Highway Department truck was planned and budgeted by the Town Board for the year 2012, and

WHEREAS for environmental review purposes, the purchasing of equipment is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase a 2013 Mack GU 713 Cab and Chassis as outlined on Oneida County Bid Contract #1571 for the sum not to exceed \$119,003.42.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION NO. 197-12
SEPTEMBER 26, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Smith
Seconded by: Saglibene

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

September 6, 2012

NYS Department of Environmental Conservation – RE: Notice of Complete Application – Renewal and Expansion of Mining Operations. *Referred to: Code Enforcement Officer, Planning Board, Town Board, filed with the Town Clerk.*

September 12, 2012

NYS Department of Environmental Conservation – RE: National Flood Insurance Program (NFIP). *Referred to: filed with the Town Clerk.*

Chemung County Executive and Chemung County Legislature – RE: Appreciation. *Referred to: filed with Town Clerk.*

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

RESOLUTION NO. 197-12, SEPTEMBER 26, 2012 COMMUNICATIONS LOG APPROVED
continued

Chemung County Planning Department – RE: 2012 Training for Local Boards and Municipal Officials. *Referred to: Code Enforcement, Planning Board, Zoning Board of Appeals, Town Board, filed with Town Clerk.*

September 13, 2012

New York State Electric & Gas Corporation – RE: Seneca West Pipeline Interconnect Certificate of Service. *Referred to: filed with Town Clerk.*

Time Warner Cable – RE: New Channel format. *Referred to: filed with the Town Clerk.*

September 19, 2012

NYS Department of Environmental Conservation – RE: Hazard Tree Evaluation and Report. *Referred to: Code Enforcement Officer, Commissioner of Public Works, filed with the Town Clerk.*

CareFirst – RE: Southern Tier Hospice and Palliative Care New Name. *Referred to: filed with the Town Clerk.*

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION NO. 198-12
SPECIAL MEETINGS FOR 2013 TENTATIVE BUDGET WORKSHOP SET

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town Clerk submitted the 2013 Tentative Budget and special meetings are necessary for the review of said budget, now

BE IT THEREFORE RESOLVED the Town Board sets Special Town Board meetings for October 3, 2012 at 4:30 p.m.; October 17, 2012 at 4:30 p.m.; and October 31, 2012 at 4:30p.m., for the purpose of reviewing the proposed 2013 Budget, and

FURTHER RESOLVED the Town Board sets a Special Town Board meeting on October 1, 2012 at 5:30 p.m., for the purpose of conducting interviews for the Director of Recreation Position.

CARRIED: AYES: Smith, Saglibene, Dean NAYS: None
ABSENT: Gillette ABSTAIN: Fairbrother

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

RESOLUTION NO. 199-12
PART-TIME CUSTODIAN FOR THE COMMUNITY CENTER APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS it has been determined and recommended that a part time custodian be hired for a maximum of 20 hours per week for the Community Center, and

WHEREAS for environmental purposes contracting of such services is a Type II administration action in accordance with SEQRA 6NYCRR, Part 617.5(c) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board, as recommended by the Personnel Committee, hereby appoints Justine Maxson as a part-time custodian at the rate of pay of \$8.45 per hour not to exceed 20 hours per week effective September 27, 2012.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION NO. 200-12
2012-2013 JUSTICE COURT ASSISTANCE PROGRAM APPLICATION APPROVED

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the Town Court Clerk, has identified a possible grant source for the acquisition of computers (4) and related software, printers (3), bench remodel, and office equipment for the Town Justice Court through the Justice Court Assistance Program, and

WHEREAS the Town Board determines the acquisition of Computer(4) and related software, printers(3), bench remodel, and office equipment for the Town Justice Court is in the best interest of the Town and will assist said court in improving its operations and efficiency, and

WHEREAS the submission of the necessary grant application and the acquisition of equipment is a Type II Action for purposes of SEQRA as being routine agency administration, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Judges, court clerk and the Town Supervisor to execute and submit a grant application to the Justice Court Assistance Program for the acquisition of computer(4) and related software, printers(3), bench remodel, and office equipment on behalf of the Town to be utilized in the Town Justice Court.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

RESOLUTION NO. 201-12
CREATING THE SECOND POSITION OF PART-TIME CLERK TO THE JUSTICE
APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS there is a recognizable need for such a position in Town because of increased workload due to the significant increase in criminal and non-criminal cases within the Town Court, as well as the general day to day functions of said department, and

WHEREAS the position is classified as an exempt class, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the creation of a second Part-time Clerk to the Justice.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

RESOLUTION No. 202-12
PART-TIME CLERK TO THE JUSTICE

Resolution by: Dean
Seconded by: Fairbrother

WHEREAS the Town Justice have recommended the Town Board hire Terri O'Rourke for the position of clerk to the Justice, Part-time, and

WHEREAS for environmental review purpose, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same,

NOW BE IT THEREFORE RESOLVED the Town Board authorizes the hiring of Terri O'Rourke, as the Clerk to the Justice, Part-time effective October 1, 2012, at the rate of \$12.00 per hour, and not to exceed 20 hours a week.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None ABSENT: Gillette

MINUTES OF THE TOWN BOARD MEETING OF SEPTEMBER 26, 2012

Councilperson Fairbrother stated that the completion of the Sing Sing Road Bridge should be done by Monday October 1, 2012.

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 7:31 p.m. All in favor except Councilperson Gillette was absent, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk